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From: Kluesner, Dave
Sent: Tue 6/4/2013 1:49:17 PM
Subject: Totowa borough attorney warns of impending legal threat from EPA

http://www.northjersey.com/news/209876211_Totowa_borough_attorney_warns_of_impending_legal_threat_from_EPA.html

Totowa borough attorney warns of impending legal threat from EPA

SUNDAY JUNE 2, 2013, 10:22 PM

BY MATTHEW KADOSH

STAFF WRITER

PASSAIC VALLEY TODAY

TOTOWA - The borough may be among 85 towns to face another legal hurdle as part of a case rooted in the pollution of the Passaic River and other waterways with cancer causing dioxins.

Occidental Chemical Corporation, Tierra Solutions and Maxus Energy Corp., among other companies, drew Totowa and the other towns into the litigation after the state Department of Environmental Protection (DEP) sued the companies for the pollution of the rivers in 2005. The towns agreed to pay the DEP \$95,000 each to get out of the litigation, Passaic Valley officials said in March.

However, now Totowa's borough attorney says, the Environmental Protection Agency (EPA) may sue the same chemical corporations the DEP did, causing those companies to draw the borough and those other municipalities into the litigation as third party defendants just as they did when the DEP sued.

At the borough's annual youth week council meeting on May 28, a time during which middle school students elected by their peers stand in for council members, borough attorney Aliah Colobong said that in 2005 the DEP designated a 17 mile stretch of the Passaic River as a superfund site.

The DEP then sued the companies for polluting the river while producing the defoliant, Agent Orange. Those companies blamed the pollution on about 85 municipalities along the Passaic River, including Totowa.

Other news

- The borough lost about \$37 million in ratables this year, youth month tax collector Michael Dellano said. The deadline for filing tax appeals is past. The Passaic County Board of Taxation heard 175 tax appeals from Totowa property owners this year and the state Division of Taxation heard 179 tax appeals from property owners in the borough.
- Totowa Police participated in the annual Click It or Ticket campaign, which ran from May 20 to June 2. "Use of seatbelts save lives," said youth week Police Chief Giancarlo Rodolico, at the meeting. The borough also participated in the annual Passaic County Aggressive Driving Task Force on May 24, in advance of the Memorial Day weekend. They issued 26 tickets and made one marijuana arrest on that day, Rodolico said.
- The borough council has received \$135,000 from the state Department of Transportation (DOT) for their 2013 municipal aid program, according to a letter adopted by the council. The funds will go to improve Gordon Avenue. Officials noted that the amount is less then they normally receive as part of the DOT aid program.

- In the next two to three weeks, workers will start lining sanitary sewers underneath Dewey Avenue, Stanley Street, Williams Drive, Totowa Road, and Jefferson Place, said youth week borough engineer Matthew Basile. Studies have shown that during significant storm events, water enters the sewers, he said.

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